

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Collection Agency License
3 of:

4 **WINDSOR CREDIT SERVICES, INC. and**
5 **CLIFF MCCRARY, CEO and ROBERTO**
6 **FEITO, PRESIDENT**

7 10670 N. Central Expy, Suite 440
8 Dallas, TX 75231

9 Respondents.

No. 10F-BD064-SBD


**ORDER OF SUMMARY SUSPENSION
AND NOTICE OF OPPORTUNITY FOR
HEARING**

10 The Arizona Department of Financial Institutions (the "Department") hereby finds that
11 Windsor Credit Services, Inc. and Cliff McCrary, CEO, and Roberto Feito, President,
12 ("Respondents") have violated the provisions of the Arizona Revised Statutes ("A.R.S."), Title 32 as
13 set forth below and finds that the public health, safety and welfare require emergency action
14 pursuant to A.R.S. §§ 32-1053 and 41-1092.11(B).

15 **THEREFORE, IT IS ORDERED** to summarily suspend the Arizona collection agency
16 license held by Respondents. **This suspension is effective immediately.**

17 EFFECTIVE this 30th day of November, 2009.

18 Thomas L. Wood
19 Acting Superintendent of Financial Institutions

20 By 
21 Robert D. Charlton
22 Assistant Superintendent of Financial Institutions

23 PLEASE TAKE NOTICE that, pursuant to Titles 32 and 41 of the Arizona Revised Statutes
24 and Title 20, Chapter 4 of the Arizona Administrative Code ("A.A.C."), Respondents are hereby
25 notified that they are entitled to a hearing to contest the allegations set forth in this Order. The
26 Request for Hearing shall be filed with the Arizona Department of Financial Institutions (the
"Department") pursuant to A.R.S. § 6-137(D) within **thirty (30) days** of service of this Order and

1 shall identify with specificity the action or order for which review is sought in accordance with
2 A.R.S. § 41-1092.03(B).

3 Pursuant to A.R.S. §§ 41-1092.01(D) and 41-1092.03(B), any person may appear on his or
4 her own behalf or by counsel. If Respondents are represented by counsel, the information required
5 by A.R.S. § 41-1092.03(B) shall be included in the Request for Hearing. Upon the filing of a
6 Request for Hearing, the Department shall issue a Notice of Hearing scheduling the matter for
7 hearing in accordance with A.R.S. § 41-1092.05. **Persons with disabilities may request**
8 **reasonable accommodations such as interpreters, alternative formats, or assistance with**
9 **physical accessibility.** Requests for special accommodations must be made as early as possible to
10 allow time to arrange the accommodations. If accommodations are required, call the Office of
11 Administrative Hearings at (602) 542-9826.

12 Respondents have the right to request an Informal Settlement Conference, pursuant to A.R.S.
13 § 41-1092.06, by filing a written request no later than **twenty (20) days** before the scheduled
14 hearing. The conference will be held within **fifteen (15) days** after receipt of your request. If an
15 Informal Settlement Conference is requested, a person with the authority to act on behalf of the
16 Department will be present (the "Department Representative"). Please note that in requesting an
17 Informal Settlement Conference, Respondents waive any right to object to the participation of the
18 Department Representative in the final administrative decision of this matter, if it is not settled. In
19 addition, any written or oral statement made by Respondents at such informal settlement conference,
20 including written documentation created or expressed solely for purposes of settlement negotiations,
21 are inadmissible in any subsequent administrative hearing. (See A.R.S. § 41-1092.06 for rules
22 regarding informal settlement conferences.) Conversely, any written or oral statement made by
23 Respondents outside an Informal Settlement Conference is not barred from being admitted by the
24 Department in any subsequent hearing.

25 If Respondents do not request a hearing, this Order shall become final. If Respondents
26 request a hearing, the purpose of the hearing shall be to determine if grounds exist for: (1) the

1 issuance of an order pursuant to A.R.S. § 6-137 directing Respondents to cease and desist from the
2 violative conduct and to take the appropriate affirmative actions, within a reasonable period of time
3 prescribed by the Superintendent, to correct the conditions resulting from the unlawful acts,
4 practices, and transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-
5 132; (3) the suspension or revocation of Respondents' license pursuant to A.R.S. § 32-1053; (4) an
6 order to pay restitution of any fees earned in violation of A.R.S. § 32-1001, *et seq.*, pursuant to
7 A.R.S. §§ 6-131(A)(3) and 6-137; and (5) an order or any other remedy necessary or proper for the
8 enforcement of statutes and rules regulating collection agencies pursuant to A.R.S. §§ 6-123 and 6-
9 131.

10 **FINDINGS**

11 1. Respondent Windsor Credit Services, Inc. ("WCSI"), is a Texas corporation
12 authorized to transact business in Arizona as a collection agency, license number CA 0910326,
13 within the meaning of A.R.S. §§ 32-1001, *et seq.* The nature of WCSI's business is that of directly or
14 indirectly soliciting claims for collection or in collection of claims owed, due or asserted to be owed or due,
15 within the meaning of A.R.S. § 32-1001(2).

16 2. Respondent Cliff McCrary ("Mr. McCrary") is sixty-five percent (65%) owner and
17 CEO of WCSI.

18 3. Respondent Roberto S. Feito ("Mr. Feito") is thirty-five percent (35%) owner and
19 President of WCSI.

20 4. Pursuant to A.R.S. § 32-1021(B)(2), Respondents are required to have a surety bond
21 in the amount set forth in A.R.S. § 32-1021(B)(2).

22 5. On September 25, 2009, the Department received notification from Hartford Fire
23 Insurance Company stating that WCSI's surety bond, number 20BSBFC2988 in the amount of
24 \$35,000.00, is to be cancelled effective November 1, 2009.

25 6. On September 30, 2009, the Department sent a letter to Respondents, to the address
26 on record with the Department, via certified mail, informing them of the bond cancellation. On

1 October 8, 2009, the Department received documentation that the letter was received by the
2 Respondents.

3 7. Respondents failed to provide documentation regarding the reinstatement of their
4 bond or documentation of a new surety bond.

5 8. Respondents do not have the required surety bond in order to conduct business as a
6 collection agency.

7 9. The conduct described above constitutes an immediate threat to the public health,
8 safety, and welfare warranting immediate suspension of Respondents' collection agency license.

9 10. The conduct described above constitutes grounds for the suspension of Respondents'
10 collection agency license.

11 LAW

12 1. Pursuant to A.R.S. Title 32, Chapter 9, the Superintendent has the authority and duty
13 to regulate all persons engaged in the collection agency business and with the enforcement of
14 statutes, rules, and regulations relating to collection agencies.

15 2. By the conduct set forth in the Findings, Respondents have failed to maintain the
16 surety bond required by A.R.S. § 32-1021(B)(2).

17 3. Pursuant to A.R.S. §§ 32-1053 and 41-1092.11(B), the conduct described above
18 constitutes an immediate threat to the public health, safety and welfare warranting immediate
19 suspension of Respondents' collection agency license.

20 4. Respondents have not conducted business in accordance with the law and have
21 violated Title 32, Chapter 9, which constitutes grounds for the suspension or revocation of
22 Respondents' license pursuant to A.R.S. § 32-1053(A)(3).

23 5. The violations, set forth above, constitute grounds for the pursuit of any other remedy
24 necessary or proper for the enforcement of statutes and rules regulating collection agencies in
25 Arizona pursuant to A.R.S. §§ 6-123 and 6-131.

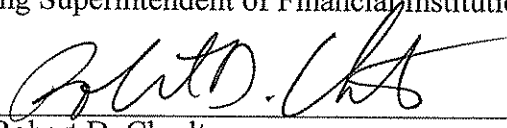
26 6. Pursuant to A.R.S. § 6-132, Respondents' violation of the aforementioned statutes is

1 grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for each violation for
2 each day.

3 WHEREFORE, if Respondents do not request a hearing to contest the above Findings or
4 produce evidence of a valid surety bond, Respondents' license shall remain suspended unless and
5 until reinstated or until said license expires by operation of law.

6 DATED this 30th day of November, 2009.

7 Thomas L. Wood
8 Acting Superintendent of Financial Institutions

9 By 
10 Robert D. Charlton
11 Assistant Superintendent of Financial Institutions

12
13 ORIGINAL of the foregoing filed this 30th
14 day of November, 2009, in the office of:

15 Thomas L. Wood
16 Acting Superintendent of Financial Institutions
17 Arizona Department of Financial Institutions
18 ATTN: Susan Longo
19 2910 N. 44th Street, Suite 310
20 Dallas, TX 75231

21 COPY mailed/delivered same date to:

22 Craig A. Raby
23 Assistant Attorney General
24 Attorney General's Office
25 1275 West Washington
26 Phoenix, AZ 85007

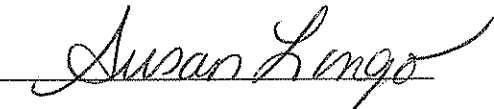
23 Richard Fergus, Licensing Division Manager
24 Robert D. Charlton, Assistant Superintendent
25 Arizona Department of Financial Institutions
26 2910 N. 44th Street, Suite 310
Dallas, TX 75231

1 Roberto Feito, President
Windsor Credit Services, Inc.
2 10670 N. Central Expy, Suite 440
Dallas, TX 75231
3 Respondents

4 AND COPY MAILED SAME DATE, by
Certified Mail, Return Receipt Requested to:

5
6 Cliff McCrary, CEO
Windsor Credit Services, Inc.
10670 N. Central Expy, Suite 440
7 Dallas, TX 75231
Respondents

8
9 Corporation Service Company, Statutory Agent for
Windsor Credit Services, Inc.
2338 W. Royal Palm Road, Suite J
10 Phoenix, AZ 85021

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